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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,803	04/20/2001	Adrian Lungu	IM1303 US NA	2560

23906 7590 04/20/2005

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WILMINGTON, DE 19805

EXAMINER

CHU, JOHN S Y

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/839,803

Applicant(s)

LUNGU, ADRIAN

Examiner

John S. Chu

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1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2004 and 07 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-22 and 25-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-19 and 31-33 is/are allowed.
- 6) ☒ Claim(s) 20-22,25-30 and 34-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This Office action is in response to the amendment filed December 15, 2004.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 20-22, 25-30, and 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over GRINEVICH et al.

The claimed invention is drawn to the following:

A photopolymerizable element for use as a flexographic printing plate comprising:

(a) a support; (b) a photopolymerizable elastomeric layer on the support, comprising a binder, at least one monomer, a photoinitiator, an onium salt and a leuco dye, wherein the onium salt is selected from the group consisting of phosphosponium salts, selenonium salts, triarylselenonium salts, iodonium salts, diaryliodonium salts, sulfonium salts, triarylsulphonium salts, dialkylphenacylsulphonium salts, triarylsulphoxonium salts, aryloxydiarylsulphoxonium salts, dialkylphenacylsulphoxonium salts, and combinations thereof.

GRINEVICH et al claims a method as recited in claims 1-28. wherein a photosensitive recording element has a layer comprising a photopolymerizable monomer, a radical photoinitiator, a color photoinitiator and a color former which is used in a process comprising

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exposing the back surface of said photopolymerizable recording layer to a first dose, imagewise exposing the front surface to a second dose of actinic radiation thereby forming exposed and unexposed areas on the front surface and removing the unexposed areas, see the image below.

1. A method for producing a printing plate from a photosensitive recording element comprising the steps of:

- (a) providing a photosensitive recording element containing a photopolymerizable recording layer having a front surface and a back surface wherein said recording layer comprises:
    - a photopolymerizable monomer,
    - a radical photoinitiator,
    - a color photoinitiator and
    - a color former;
  - (b) exposing the back surface of said photopolymerizable recording layer to a first dose of actinic radiation thereby forming a cured back surface on said recording layer;
  - (c) imagewise exposing the front surface of said photopolymerizable recording layer to a second dose of actinic radiation thereby forming exposed and unexposed areas on the front surface of said recording layer wherein the exposed areas are cured by exposure to the actinic radiation; and
  - (d) removing the unexposed areas of the imagewise exposed recording layer thereby forming an image in relief;
- wherein the image and the cured back surface of the recording layer provide a visually detectable color contrast.

The claimed method above anticipates the current claims drawn to the method. And because of a potential interference between the application and the U.S. patent, wherein the filing dates are less than three months apart, applicants need to submit a statement under Rule §1.608(a) before an interference is declared.

3. Claims 1, 3-19, 31-33 are allowed.

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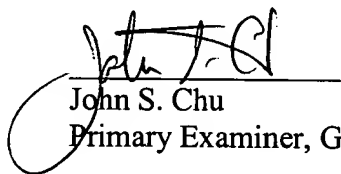
None of the references of record disclose the claimed photopolymerizable element as recited having the particular onium salts are recited in claim 1 in a composition comprising a photopolymerizable elastomeric layer on the support.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Chu whose telephone number is (571) 272-1329. The examiner can normally be reached on Monday - Friday from 9:30 am to 6:00 pm.

The fax phone number for the USPTO is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
John S. Chu  
Primary Examiner, Group 1700

J.Chu  
April 18, 2005